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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,975	03/30/2004	Kazumasa Makino	119306	2989
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EXAMINER				
VERBITSKY, GAIL KAPLAN				
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09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,975

Applicant(s)

MAKINO, KAZUMASA

Examiner

Gail Verbitsky

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-16,23-36 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-16 and 23-36,45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “auxiliary attaching portion”, as stated in claims 1, 6, 10, 14-16, and “the flanges”, as stated in claim 47 must be shown and identified or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 10, 14-16 are objected to because of the following informalities: it is not clear how the first attaching portion comprising "two attaching portions" and the second attaching portion comprising "two attaching portions". Perhaps applicant should replace "two attaching portions" with --two holes--.

It appears that claim 3 is redundant to claim 1, since, according to the disclosure, the holes are part of the attaching portions. Perhaps, Applicant should amend claim 3 by stating --where each attaching portion is a hole" (also see newly added claim 45). Is this a proper interpretation of the invention? Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, the claim language is confusing because, since, according to claim 1, the second attaching portion includes the first attaching portion, then, it is apparent that the first attaching portion cannot be only used to attach the first storage frame (as stated in claim 46), it must be used to attach the first storage frame, and the second storage frame. Perhaps applicant should amend claim 46 by stating

--wherein the first attaching portion when used alone only attaches the first storage frame, while the second attaching portion only attaches the second storage frame--.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 47 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, it appears that "the flanges" have not been described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10, 12-16, 23-36, 45, 47 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Okamura et al. (U.S. 5191382) [Okamura].

Okamura discloses in Figs. 8-9 and 12-13 a device in the filed of applicant's endeavor comprising all the subject matter as described by applicant in the preamble of the claims including an image forming device 50 which along with a part B, a frame E supporting the image forming device/ system 50 constitutes an image forming unit/ system A, wherein the image forming device 50 and the support C are at the bottom of the image forming unit; a first attaching portion F which is a part of the second attaching portion D, when used to attach a first storage frame/ unit I, it is acting as the first attaching portion, when used to be attached the second storage frame/ unit H, it is acting as the second attaching

portion, the attaching portions are included in each other. the attaching means/
portions D are on the edges of the first and second storage frames/ guides.

The frame E (Fig. 9) along with the support C included in the frame E and
storages have protrusions/ pins 105 and holes (first and second attaching
portions) on its edges for attachment to each other.

Please note, that the holes on the device frame 50 corresponding to the holes on
one side of the structure 102 in Fig. 9 are considered to be the first attaching
portion comprising two attaching portions (two holes), while one hole
corresponding to a shown on the opposite side of the structure 102 is considered
to be an auxiliary attaching portion, and another hole (not shown) corresponding
to the hole on the opposite side of the structure 102 is considered to be a hole of
claim 3 to receive a protrusion (bolt) of the device frame. Thus, the holes on both
sides of the device frame constitute the second attaching portion.

Since (Fig. 12) the second storage frame includes the first storage frame, the 1st
attaching portion is acting as both, the first and the second attaching portions,
and thus, it can be considered that the second attaching portion includes the first
attaching portion.

It is inherent, that everything above the storage frames could be considered as
covers (first, second) G. Okamura discloses a paper supply roller 7. (The
numerals A-I have been added by the Examiner, see attachment # 1, 11/11/2007
to the Office Action).

For claim 47: as shown in Fig. 9, the device frame has two lateral flanges having holes (attaching portions) the flanges are for contact with the flanges on the structure 102 where the holes and pins 105 are located.

Allowable Subject Matter

Claim 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 07/16/2008 have been fully considered but they are not persuasive.

Applicant states that Okamura uses the same pins 105 to attach all the cassettes extenders and cannot have both first attaching means and second attaching means. Applicant states that because Okamura uses the same pins 105 to attach all of the cassette extenders, Okamura cannot be said to have a second attaching portion that comprises not only the at least two attaching portions (used to attach the first storage frame), but also an auxiliary attaching portion.

This argument is not persuasive because: A) the first storage frame and the second storage frame are not attached at the same time, therefore, they do not require different attaching portions, B) the Applicant has never claimed that the second attachment is physically or functionally different from the first attachment. In spite of the amendment to the claim 1, it still appears from the claim language that the second attaching portion which comprising a first attaching portion could be used for both: attaching to the first storage frame and the second storage frame. Applicant has never claimed that an addition of the "auxiliary attaching means" makes the first attaching portion be different from the second attaching portion. Please note the "comprising" language in the body of the claim (i.e., the first attaching portion could also comprise the auxiliary attaching portion). The Examiner's opinion that there is nothing in the claim language which makes the first attaching portion different from the second attaching portion.

Applicant has never claimed (claims 1, 6, 10, 14, 15, 16) that the first attaching portion is only serves for attaching the first storage frame and the second attaching portion is

capable of attaching only the second storage frame. Therefore, one can conclude that a structure comprising combined first and second attaching portions is capable to attach either first storage frame or second storage frame.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Claim 47: it is not possible to apply the prior art to claim 47 due to the reasons stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571/ 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2855

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GKV

Gail Verbitsky
Primary Patent Examiner, TC 2800

August 19, 2008

/Gail Verbitsky/
Primary Examiner, Art Unit 2855